

[Sri C. Subramaniam] [26th August 1955]

be a statutory provision or whether it should be in the form of a power given to the Government or whether the Jury system should be followed by notification, all that we can discuss in the Select Committee. It has been proposed to have the Jury system applicable by notification. That can be considered in the Select Committee. So I think this motion can be accepted."

MR. CHAIRMAN :—" The question is—

' That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 members (16 members of the Assembly and 8 members of the Council) to consider the Code of Criminal Procedure (Madras Amendment) Bill, 1955 (L.A. Bill No. 27 of 1955) and that the following members of this House be selected to serve on such a Joint Select Committee :—

- (1) The Hon. Sri M. Bhaktavatsalam.
- (2) Sri K. Bhashyam.
- (3) „ V. Bhashyam Ayyangar.
- (4) „ V. Gurunandan Row.
- (5) Dr. V. K. John.
- (6) Sri T. M. Narayanaswamy Pillai.
- (7) „ K. Balasubramanya Ayyar.
- (8) „ A. Gajapathy Nayagar.' "

The motion was carried.

(2) THE MADRAS CULTIVATING TENANTS PROTECTION BILL, 1955
(L.A. BILL NO. 11 OF 1955).

* THE HON. SRI M. A. MANICKAVELU :—" Sir, I move—

' That the Madras Cultivating Tenants Protection Bill', 1955 (L.A. Bill No. 11 of 1955), as passed by the Assembly, be taken into consideration.'

" Sir, I wish to bring to the notice of the House certain changes made in the Bill by the Joint Select Committee and the Assembly.

" In the definition of ' land ' any house-site belonging to the landlord and let to the cultivating tenant under the same agreement of tenancy has been specifically included by the Joint Select Committee so that the cultivating tenant may also have protection against eviction from any site on which he may have been allowed to reside when the land was given to him for cultivation.

" The Committee considered whether a cultivating tenant who was in possession on 1st December 1954 should be restored under clause 4 of the Bill, if, after eviction, he is cultivating large extents of land elsewhere. The Committee decided that he need not be restored if, when the Act comes into force, he is in possession either as owner or as tenant or as both, of an extent of land exceeding 6-2/3 acres of wet or dry land irrigated from any Government

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source or 20 acres of dry land not irrigated from any Government source. The landlord cannot also be dispossessed by the old cultivating tenant, if the total extent held by the landlord was less than the extent mentioned above and if he did not also have any other substantial occupation as evidenced by the payment of sales tax, profession tax or income tax during 1953-54 or 1954-55. The old cultivating tenant in possession on 1st December 1954 can, however, displace a new cultivating tenant inducted on the land afterwards, if the old tenant is not in possession of any land or is in possession of less than 6-2/3 acres of wet or 20 acres of dry land and the new tenant is in possession of more than that extent. Clause 4 (2) was suitably amended.

“ Another major amendment made by the Joint Select Committee is the provision in clause 3 (4) under which a tenant who has not paid the arrears within one month as provided in the Bill, or who has been guilty of the acts specified in clauses 3 (2), (b), (c) and (d) can be evicted only on application to the Revenue Divisional Officer and this Officer can grant such further time for the payment of arrears as he considers just and reasonable having regard to the circumstances of the landlord and tenant. Provision was also made for excluding the jurisdiction of civil courts and to place the rules made under the Act before both the Houses of the Legislature.

“ The Legislative Assembly considered that the Bill need not apply to lands to which the Tanjore Tenants and Pannaiyal Protection Act does not apply. The proviso to sub-clause (2) (iii) of clause 1 was accordingly omitted.

“ It is likely that it may not be possible for a Revenue Divisional Officer in an area to cope with the work and it may become necessary to appoint an additional officer even in places where there is a Revenue Divisional Officer. Hence the words ‘ where there is no Revenue Divisional Officer ’ in clause 2 (f) of the Bill as amended by the Joint Select Committee were omitted.

“ Under clause 4 (2) (ii) as amended by the Joint Select Committee one of the conditions which a landlord should satisfy in order to be eligible for exemption is that he should not have any other substantial occupation as evidenced by the payment of sales tax, profession tax or income tax during 1953-54 or 1954-55. It was considered that a similar restriction should also be imposed in the case of the cultivating tenant under clause 4 (2) (i) and that clause has been amended accordingly.

“ The Legislative Assembly also amended clause 4 so that the cultivating tenants who were in possession of any land on 1st December 1953 and who were not in possession thereof at the commencement of the new Act might get the benefit of restoration. The date 1st December 1954 occurring in clause 4 of the Bill was accordingly changed to 1st December 1953.

“ These are the amendments made in the Bill as originally published by the Joint Select Committee and the Legislative Assembly and I think that they will be acceptable to this House.”

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MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras Cultivating Tenants Protection Bill, 1955 (L.A. Bill No. 11 of 1955), as passed by the Assembly, be taken into consideration.’ ”

SRI K. BALASUBRAMANYA AYYAR :—“ Sir, I am really depressed to find that after the consideration by the Select Committee when the matter went to the Assembly a change had been accepted in the crucial date for restoration of possession, namely, from 1st December 1954 to 1st December 1953. How much it will affect the people has not been considered. Many transactions would have taken place between these two dates. It is difficult to say who were in possession of land either as cultivating tenants or as ryotwari proprietors. Therefore, when the Government originally fixed the date as 1st December 1954, they would have carefully considered this matter; and the Hon. Revenue Minister is a person who generally carefully considers these matters. And so he had adopted 1st December 1954 as the date on which should be based any restoration. Sir, even in the Committee both the Hon. Revenue Minister and the Hon. Finance Minister were firm that it should not be changed when Sri Ramamurthi was vociferous in demanding that it should be changed to 1st December 1946. That was his proposal, because there was according to him some agitation and it seemed landlords were evicting the tenants then. It is not a correct statement at all. So far as I know, in Tiruchirappalli district, nobody ever evicted any tenant from 1946. The tenants have been continuing all these years from year to year, for the agricultural lease is given every year. Never have they been evicted. All these things are because of the recent agitation. I have stated that in the Select Committee also. The tenants not only by themselves but also because other prominent people took part in it, started an agitation. I have got copies of notices issued by big Associations that meetings would be held under the auspices of those Associations for the purpose of carrying on agitation and because of that all these things have happened there. It is wrong to say that the landlord is evicting the tenants in anticipation of the land reform. The anticipation has been on the part of the tenants (and not at all on the part of the landlords) that they (tenants) can become the owners of the land immediately and therefore they have been carrying on this persistent agitation. Even police protection had to be sought by many of the proprietors. These things are of common knowledge to our people and I trust it will also be known to the Members of the Assembly and the Council. Therefore it is I feel very much depressed that the date ‘ 1st December 1954 ’ should have been changed even after the Bill has gone through a Joint Select Committee. The change was effected at the last minute, even after it was declared rejected on a vote by voices. That is what I found from the newspapers. Therefore it is I feel that we are in very uncertain waters. The Bill may be passed into law and even after that there may be changes. The date may be changed from 1st December 1953 to 1st December 1952 or even to 1st December 1946,

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as the Communist Member wanted it, because I find that their propositions are much more accepted than the propositions of others. That is my impression. I am sorry to say all this and I have to say this because I feel I represent a very good peasantry population of ryotwari proprietors. Most of them are very peaceful, contented and good. I am glad that our trusted and venerable colleague Sri O. P. Ramaswami Reddiar is here to-day. These things could have been done in a better way. Therefore it is I say that the last minute change altering the date from 1st December 1954 to 1st December 1953 is not correct. 3

" There are also some minor changes effected in the Bill. I do not want to take up the time of the House. I have got some amendments to be moved. There are certain consequential amendments which have to be made. It is stated that the Act shall not apply to a cultivating tenant who is in arrears with respect to the rent payable to the landlord subsequent to 31st March 1954. But if a cultivating tenant was in possession on 1st December 1953 and has been in arrears from 31st March 1953 onwards, there is no provision for that. The landlord cannot recover the rent from him. If the date 1st December 1953 is accepted, the other clauses should also have been changed. I do not want any favour to be shown to ryotwari proprietors. The Government are there for the purpose of holding the balance evenly and seeing that justice is done to both parties. I appreciate that attitude. This important change made at the eleventh hour in the Assembly shows that there is some state of nervousness on the part of the Government still. The ryotwari proprietor is as much important as the cultivating tenant in the agricultural economy. The hon. Member Sri O. P. Ramaswami Reddiar rightly mentioned that only 14 per cent are tenants. The rest are all cultivating ryotwari proprietors. The definition of the term 'cultivating tenant' here differs entirely from the definition given in the Tanjore Tenants and Pannaiyals Protection Act. Here it is stated 'a person who cultivates by his own labour or by hired labour under his supervision and control'. Practically he is an intermediary. Many of the lessees do not cultivate themselves. There are other cultivators. They are exactly in the position of ordinary ryotwari proprietors. Why should a preferential treatment be shown to the cultivating tenants over the ordinary ryotwari proprietors? The word 'tenant' makes them the 'prize-boys' over other people. It cannot be so, so far as ryotwari system is concerned. Tenancy plays a very small part in the whole system. That is why I have been pleading that the cultivating tenant here should be in the same position as that of a ryotwari proprietor. Most of the lessees are rich people. They themselves own lands and they are also lessees of other lands. Why should they be favoured in preference to the ordinary ryotwari proprietors? A

" Sir, I have got some amendments. I shall refer to particular points when I move them."

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* SRI K. BHASHYAM :—“ Mr. Chairman, Sir, in view of the land reforms that are expected, some interim steps have to be taken by the Government. According to them, the tenants are being evicted wholesale in various parts of the State. Of course, the question is whether they should undertake legislation in respect of any local troubles, unless those troubles are fairly prevalent so as to call for a legislation applicable to all the districts. So far as we know, the question of eviction has been prevalent mostly perhaps in Tiruchirappalli and Tirunelveli districts. Therefore, Sir, to undertake a legislation on a State-wide basis is wholly unnecessary and will lead to complications. If we want to interfere with vested interests, it leads to complication because they fight. I refer not only to the landlords but to cultivating tenants also. Under the Bill which we have got before us, the cultivating tenant, who was in possession on 1st December 1953, is protected. Why should there be this partiality in favour of the cultivating tenant who was in possession in 1953? Suppose if a person has been in possession after 1st December 1953 and if he is a landlord's tenant, why should he not be protected? Why should some favour be shown in respect of a person who has been in possession in 1953 and has been evicted for some definite reasons? Therefore it is I say that this partiality in favour of the tenant who was in possession on 1st December 1953 is not fair or equitable even as against the various cultivating tenants. The change made by the alteration of the date from 1954 to 1953 takes in more cultivating tenants than the original Bill did. Therefore, the question of the crucial date being changed from 1954 to 1953 is a very important matter which cuts into the fundamentals of the Bill itself. The crucial date is the life of the Bill and if it is changed, I would certainly ask the Government to have it republished and get the opinions of those who are affected by this change. I feel that it is not the landlord alone that is concerned. The representations of the numerous cultivating tenants who have taken lands for cultivation from landlords in 1953-54 must be heard, because the Government say they are anxious to protect the cultivating tenants. While they are anxious about the cultivating tenants of 1953, why not they be anxious about the cultivating tenants who were in possession in 1954 and who came after 1st December 1953? The idea is to give the land to the landless and the tiller. My submission, therefore, is that it is unnecessary to make this change in the crucial date as it will lead to great complications. Unless you hear the representations of those who have been let into possession by landlords after 1st December 1953, it will not be fair to those persons to undertake this legislation and go on. I submit that this question must be held over and representations invited from that class of people. .

“ Apart from this, as this question of protection to tenants from eviction is purely a temporary measure, we thought it may be quite all right. That is why we accepted it. When you put the date back by one year, the tenant must be made liable to pay the rent in arrear for two years. The principle is changed

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and now we are asked to give our support to a Bill wherein the original principle, which we accepted in the best interests, is completely thrown overboard and a new principle is inserted. On account of this important change, this Bill should have been held up for the purpose of being republished or for eliciting the opinions of those affected thereby. Apart from this, the idea of the Government is that the land must go to the tiller. I am asking the Government whether under this Bill they intend to help the actual tillers of the land or help the middleman who has been in possession of the land in 1953 or 1954? Of course there is the limit of 6-2/3 acres. If there is a person owning only two acres of land and there is another who, as a business proposition, is getting two acres each from so many persons, is the latter person to be protected, because he is only a middle man? He is really not the tiller of the soil. Therefore the Government must make a distinction between a tiller and a person who is merely a lessee, and who is cultivating the lands by hired labour. I do object to the definition of the word 'land'. The definition of 'cultivating tenant' as one 'who cultivates by his own labour or by that of any other member of his family or by hired labour under his supervision . . . ' cannot be there. This is a departure from the principle accepted by Government, when we passed the Tanjore Pannayals Act. This is a fundamental matter to be looked into by the Government. We say that the benefit should go to the tiller, but we are not actually helping the tiller. We are ennobling ryotwari pattadars into zamindars. We are giving tenants the occupancy rights. I ask whether it is necessary to do. Then, Sir, I ask, who are the tenants sought to be protected? Suppose a person, under the terms of an agreement, goes away giving up possession of land and is excused to pay the arrears of rent, is he again to be given possession of land under a fresh lease? He has already gone out and he did not pay the rent. He got the benefit of this remission from the landlord. Only then he surrendered possession of the land. Now is that man, who already had the benefit of being excused to pay the arrears of rent, to be brought again and given possession of the land to commit further defaults? Does this man require any consideration at all? The Courts are giving time to tenants for payment of rent. Even if there had been a decree for evicting the tenants for non-payment of rent, the Government interfere and want to restore the tenant to possession of the land. In spite of Court decrees the persons who are in default are to be protected. There must be some sort of reason and equity in this matter of protection. We cannot protect persons who are defaulters everywhere. Therefore, I submit this protection is too wide and too comprehensive to be rational or even fair. We say that tenants who had been in possession of lands in 1953 are to be protected. The tenant is liable to pay rent accrued after 1st March 1954. What about the rent for 1953? There was some fear in the mind of the tenant that, if he did not pay the rent, he would have to go. Now the Government have taken away that fear. If a tenant is in arrears in respect of rent for 1953, it cannot be recovered from him. The

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tenants, according to the Government, are not rich people. They must get their income only out of the land. If we want to restore the tenants who were in possession of lands in 1953, we must also make provision for recovering the arrears of rent from them for the years 1953 and 1954. Recovery of rent alone should not be restricted to 1954. Originally it was proposed that persons in possession of lands on 1st December 1954 should be restored. Now the date is put at 1st December 1953. Therefore, the tenants who are in arrears for two years should be required to pay rent for these two years and not for one year alone. This is only logical. I do not know what induced the Government to put the date at 1st December 1953 and what the pressure was on them. Is it the Communist pressure that made them accept it, I do not know. Even December 1954 was an arbitrary date. Anyhow we accepted that date, because the Government in their wisdom did it. But why change that date again to 1st December 1953, I am not able to understand. This fundamental change in the Bill is wrong.

"Then, Sir, I come to the removal of the jurisdiction of courts—an old tale. One result of taking away the jurisdiction of courts is this. I do not know whether the Government realize this fully. The more tribunals they create in this country, the more writ petitions are filed in the High Court. I find now in the High Court there is one Judge specially set apart for hearing writ petitions all through the year. On the one side we want to reduce the work of the High Court. But if we go on creating tribunals more and more, the clients find it easy to put in applications costing Rs. 50 or Rs. 60 and get the work done instead of having to go to the courts as parties in suits. The work is made easy for the clients. But the jurisdiction of the ordinary courts is taken away. In respect of protecting tenants, who are not entitled to protection, and other matters, the jurisdiction of courts is taken away. I respectfully submit that in the original Bill the jurisdiction of courts was not removed. The Joint Select Committee at the last moment by an amendment removed the jurisdiction of courts. The Bill in its original form was not acceptable and in the Joint Select Committee stage it was still more not acceptable, and finally when it has come to this House in its present form, it is most unacceptable."

* SRI A. GAJAPATHY NAYAGAR:—"Mr. Chairman, Sir, this Bill is a simple Bill to give protection to tenants who have been evicted from lands on condition that they pay one year's rent. If a man pays one year's rental, he is saved from eviction. If the poor tenants cannot pay the full rent, the court will now give relief to the tenants. The date of eviction was fixed at 1st December 1954 originally. In the Joint Select Committee I said that the court could give relief to the tenant if he was recently dispossessed by the landholder. That is the law. The remedy given in the Act is a summary remedy. A man dispossessed of his tenancy can come before six months and ask for possession.

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One year's time from 1st December 1954, was found to be a long time. But then the other Members in the Committee felt that protection to tenants evicted from 1st December 1954 might not give adequate relief. They wanted the date to be put at 1st December 1953. Some others wanted the date to be taken to 1946. But now that the Government have been persuaded in the Assembly to adopt the date 'December 1953', my humble suggestion is that 'December 1954' does not give adequate relief. But, if the Government as a measure of compromise adopt the date 'July 1954' instead of 'December 1953', I think it will be satisfying both parties because 'December 1953' does not begin with cultivation. The cultivation season in our parts is July-March. Therefore, if the Government want to give relief, they can give relief from July 1954 so that both purposes will be served. There will be summary remedy and there will be chance of only one tenant being evicted. If we take the date further back, there will be the chance of more than one tenant coming into possession of land and so if it is 'December 1953', it would be rather difficult to decide. Therefore, if we want to put into possession the man who was actually in possession, please have the date 'July 1954'. That will be a convenient date. In our parts, the cultivation season begins in July. Therefore, relief must be given to tenants by changing it to 'July 1954', and the Government may also satisfy other friends of the Assembly by this amendment, i.e., eviction from July 1954. I hope my hon. Friend Sri O. P. Ramaswami Reddiar will also agree with this."

* SRI T. M. NARAYANASWAMY PILLAI:—“Sir, my friend Sri Balasubramanya Ayyar objected to the change of the date to 1st December 1953. There were three dates which appear to have been before the Assembly, namely, 1946, 1953 and 1954. 1954 was the date which originally appeared in the Bill. 1946 was too far back and evidently the Government could not accept it. The case for the tenants appears to be that some landlords, though not on an extensive scale, began to evict, rather than to take lands on their own personal cultivation apprehending that if they continued the tenants, rights of occupancy would be vested in the tenants under the new reforms. I know of some cases where such a kind of practice has been resorted to. It is not strictly eviction if a person owning a large extent and cultivating it by leasing it to several tenants takes back the lands for personal cultivation. Now, in 1946, the Congress Government published their programme and somehow it got into the air that people who were tenants would be given occupancy rights. This made the landlords apprehensive and therefore they thought that it would be better in their interests not to lease the lands but to cultivate them personally. That is why, perhaps, some of the Members wanted to go back to 1946 when the Congress published their programme. But in 1952 came the Tanjore Tenants and Pannaiyal Protection Act. Just as the Congress programme in 1946 raised apprehensions in the minds of the land owners, similarly, the enactment

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of this Act caused apprehensions and then also people began to take away lands from the tenants and began cultivating the lands themselves apprehending danger in the future if they allowed the tenants to cultivate. Therefore it is that the date 1st December 1953, which came immediately after the passing of the Tanjore Tenants and Pannaiyal Protection Act, came to be adopted in the Assembly. But, I am not pleading for supporting the action of the Government. Rightly or wrongly, those facts were before the Government at the time they published the Bill. They did arrive at the decision that 1st December 1954 was the proper date. Having published that in the Bill and having accepted it even in the Select Committee, it is really not fair to the other side to spring a surprise and accept all of a sudden the date 1st December 1953, whatever justification there might have been originally. If once you accept 1st December 1953, then some consequential changes also ought to have been made. The whole principle of the Bill is this. Suppose, there is a cultivating tenant who is *bona fide* and pays his rent, he ought not to be evicted by the landlord merely because he apprehends that some bad law is going to be made in future. Therefore as Mr. Balasubramanya Ayyar pointed out, if we change the date to 1st December 1953, we must also provide for eviction of a tenant who fails to pay the rent on and from 1st December 1953. Otherwise, it will mean that the man who failed to pay the rent in 1954 will be evicted but the man who failed to pay the rent due on 1st December 1953 will escape. That is not what we really intended. Of course, it was a last minute acceptance of a compromise. The Government could not have had the time to gauge the effect of the acceptance of the compromise and the subsequent provisions.

“ Sir, this is what we are concerned with at this stage. It cannot be said that this Bill is not necessary. Of course, a person like me, who wants to take a dispassionate attitude and not to take either the side of the landlord or that of the tenant, would very much have liked if our landlords and tenants could have got on amicably as they had been getting on in times of yore. But, certainly changes have taken place. The agricultural economy has been disturbed. Some landlords have taken it into their heads that tenants, if they continued to be in possession, would be given permanent occupancy rights and therefore they had begun to evict them. Especially, they did so in the beginning of this year. People say that this has happened only in the Tiruchirappalli and Tirunelveli districts and therefore there is no need for Statewide legislation. As a matter of fact, this aspect of the matter could have been prevented when the Tanjore Tenants and Pannaiyal Protection Act had been passed. Therefore, I for one, would think that there is need for a Statewide legislation in a matter of this kind. After all this Bill is limited in its scope. When disputes have arisen we go to a court. The court grants an interim injunction, just to maintain the *status quo ante*. This Bill is not conferring any solid right on the tenants or depriving the

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landlord of any right. This is only a temporary measure, preventing the eviction of cultivating tenants. It says, if the landlord has a tendency to evict the tenant, 'do not evict the tenant'. At the same time, the landlord is entitled to evict the tenant if he puts the land to some use other than that to which it was first intended to be put. There are other clauses also safeguarding the interests of the landlords. It is said that the tenant should be a bona fide person. Otherwise the whole system of agriculture will get disturbed. The stability between the landlord and the tenant will be disturbed. After all this does not apply to a tenant or landlord who cultivates less than 6-2/3 acres. Similarly in the case of tenants, it does not for a moment contemplate the tenants coming and committing trespass on the land. This Bill does not give such permission to the tenants. It gives permission to the cultivating tenant to continue his cultivating operations and says that he would not be evicted, except for reasons specified under clause 3. Therefore, taking the psychological climate and atmosphere and the strained relationship existing between the landlord and the tenant in some parts of the State, it is but right that this legislature takes cognizance of it and provide for this temporary legislation preventing the eviction of tenants, who were cultivating the land on 1st December 1953. To that extent, I welcome this measure. I am not here concerned whether the Government are going to fix a ceiling on holdings or whether they are going to give permanent occupancy to the tenants or anything like that. It is not the object of this Bill. There are landlords owning 6-2/3 acres and less and there are tenants who are trying to have more than 6-2/3 acres. With this limited scope in view, I welcome a temporary measure of this kind."

* DR. V. K. JOHN:—"Mr. Chairman, Sir, the opinions I express on this Bill are my own and not that of the Opposition. I find opinions are divided even on the side of Government. I feel strongly that this Bill does not reflect credit on the Government. It is stated that this Bill is only for one year. This Government believe that this will be in force for one year. When they enacted the South Kanara Cultivating Tenants Protection Act which prevented the eviction of tenants in South Kanara, it was a simple Bill and there were only two or three sections there. But here in this Bill, you have got provisions for the procedure to be followed for resumption of land, for eviction of tenant, etc. But this procedure could never end in one year. I do not think this Government are bona fide in providing for only one year for this Bill. It is only a ruse just to give a sort of calmness in certain quarters. This Government have been saying for many years that they would bring in a comprehensive measure of land reform. Ours is an agricultural country. The question of 'agrarian reform' had been under the consideration of Madras Government ever since 1946, when they passed a Bill for prevention of eviction of tenants. But still they have not brought any comprehensive legislation. I find at least in Bombay, they have now brought forward a measure, a comprehensive measure, of agrarian reform.

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But our Government want to put off that evil day. They have no mind of their own. They want to please both the landlords and the tenants. But I say, as was indicated by Mr. Balasubramanya Ayyar in his speech, Government are now walking along with the Communists. They are actually trying to please the Communists by accepting some provisions which the Communists have indicated. The reason is because the elections are nearing and they do not like the Communists to have much strength in the State. From the way in which this Bill has emanated from the Select Committee and the Assembly, I find that many changes have been made in the Bill to please the Communists and follow their way of thinking. The Government could have brought forward a comprehensive legislation instead of tinkering with this problem and introducing this Bill in this way and saying that it would be in force for only one year. I ask the Government here and now (and I hope the Hon. Minister will give a reply) whether their bona fide intention is that this Bill should be in force for only one year. I ask the Government whether it is not their intention even now, to bring in another Bill next year to extend the life of the present Act for one or two years more, or is it their intention to bring in a comprehensive measure of agrarian reform in the course of one year from now on. I am sure that next year, Government would come in with another Bill extending the life of the present Act for one or two more years. At that time I will read from the official report of the Legislative Council this portion of my speech and the reply of the Hon. Minister then who assured us to the effect that this Bill would be only for one year. I say it is not for one year. You have the object now of preventing eviction of tenants, and then bringing in a measure which will reduce the rent—reduce the rent in such a manner that the landlord will no more exist. You provide in that Bill that the landlord will get as much as the Government would get in the shape of kist. It is better if the landlord relinquishes his ownership and walks away. Then you do not want any measure of land reform at all. There must be something of that kind.

“ I say, Sir, in any question of land reform you should not look at the interest of the landlord or the interest of the tenant. You must look at the interest of the community as a whole and the one major object in any question of agrarian reform should be to produce the largest output from the land. You must also distribute the land as widely as possible taking into consideration that if there be uneconomic units, co-operative cultivation should be introduced. You should follow the principle which all civilized countries have followed, viz., that the tenant should not be exploited and the landlord also should not be expropriated. It is a very easy measure of reform by which the cultivating tenant could be made to claim the ownership of the land, by paying in instalments (spread over many years) the market value of the land. The relationship between the landlord and tenant, according to eminent economists, is economic waste. In any question of land reform you must make the cultivating tenant (not the intermediary)

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become the owner of the land he cultivates. I find the Bombay Government is making a provision for conferring the ownership of the land on the cultivating tenant, viz., the tenant who cultivates the soil, I mean the tiller of the soil. In doing so you should not expropriate the landlord. As I pointed out in my notes in the Select Committee report, a reform was introduced in Germany whereby ownership passed on to the tenants on their executing a bond, charged on the land, and guaranteed by a co-operative society. It was a bond chargeable in the market at any time and it carried 5 per cent interest. It was stated that the tenant should pay the market value of the land to the landlord before he became the actual owner of the land. The Government need not spend any money in purchasing these lands, as they did in the case of zamindari abolition. Those who are benefited must pay and if the tenant is benefited, he must pay; he must execute a bond. The landlord may either keep the bond and receive interest or he may sell it in the open market. If it is a joint Hindu family property all the laws applicable to it will apply here also. The Government need not spend one rupee in purchasing land. What is the difficulty in accepting a measure of reform which will make the cultivating tenant, the owner of the soil in the manner in which I have suggested? There is no difficulty at all, unless the Government want to expropriate the landlord by not paying the landlord the market value. Why should they do that? Either they want to do that or they do not understand the experiment which was made in Germany and accepted in many other parts of the world. Sir, you know the French people are a very emotional people. Still, why is it that Communism or Bolshevism did not take root in France? It is because of the introduction of this agrarian reform making the cultivator the owner of the soil. There are some five million owner-cultivators in France owning one acre, two acres and so on. All over the civilized world, this measure of reform has been accepted and introduced. I am very pleased that Bombay has now introduced a Bill which makes the tenant-cultivator the owner of the soil. But that is not enough.

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“ As it was pointed out earlier, in those areas to which this Bill applies, there are about 14 per cent of tenants. In Malabar that is not the case for there is not much pressure on land. Now in those areas where 14 per cent are tenants, to make them the owners of the soil, the proprietors of the soil, alone will not solve the problem in those areas. There are landless persons; we must be able to put those landless persons on land as proprietors; not only put them on land, but ask them to execute a bond and also assist them financially and with advice to cultivate the land which is given to them. That is what is called rehabilitation of the poor families, the landless families. Therefore I submit that what the Government should have done is to introduce actually a comprehensive measure or agrarian reform. I personally think that this Bill is uncalled for; it will only produce litigation and create

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bad relationship between the tenant and the landlord; there will be agrarian discontent and unrest. Probably the Communists want it. I do not know whether the Congress party is keen on fomenting this unrest by this Bill which when passed into law will only multiply litigation and sever the good relationship between the landlord and the tenant. We could have waited for a few months and not have introduced this Bill. I say here and now that apparently it is not the object of the Government to introduce a comprehensive measure of agrarian reform; and just to give an impression that they have done something, they have introduced this Bill for one year, a temporary measure, with many complicated provisions which can never be implemented if proceedings are started in a Court of Law. I personally think that this is not the way a good Government, a strong Government, a wise Government should act; they must act boldly and they must have brought in legislation as the Bombay Government have done. I ask, Sir, this Government at least now to get busy to bring in a comprehensive measure of reform which will be acceptable to all parties concerned and which will achieve the object of producing the maximum from the land. I hope that the Government—let me express the hope and wish—will not tinker with this problem of agrarian reform any more, but will bring in something which will be good, which will be acceptable to all people and which will achieve our object."

* SRI A. M. ALLAPICHAI :—" Mr. Chairman, Sir, when the Hon. Minister for Revenue moved this Bill I never thought of speaking at all. But soon after the speech of the hon. Member, Dr. John, I feel I should speak. Mr. Chairman, friends like Dr. John, I should say, are the greatest friends of the Communists. They feel that they are supporting the landed class. Certainly not. Their extreme views are the greatest possible weapons in the hands of the Communists. On the other hand, we Congressmen, though dubbed sometimes by the Opposition as the friend of the Communists, are the enemies of the Communists. Because, our object is to avert a disaster, an avalanche and a catastrophe. But our friends without realizing that, without seeing the writing on the wall as clearly as they should, say and think just like some people of France just before the Revolution. What was the result? The result was a Revolution. We want to avert a Revolution. I am not talking in a tall fashion. We have to see the writing on the wall . . . "

DR. V. K. JOHN :—" Has the hon. Member seen the writing on the wall? And may I know what it is? "

* SRI A. M. ALLAPICHAI :—" That is what I am going to say. We have to see the great endeavours being made by a great Saint, a big gentleman in our country regarding the distribution of lands. It was said that it was nothing but sharing the poverty of our people. Surely, yes. It is much better to share the poverty

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of the poverty-stricken than not share the prosperity of the rich. Now we have to see what this Government are doing. No doubt the landlord may be affected. Not to a great extent. We have to see the whole thing not from the point of view of the landlord alone, not from the point of view of the poor peasant alone or the cultivating tenant alone; we have to see that these are our people and we have to adopt a middle path. I have always been saying in this House that the Congress Party has been wedded to a middle course, a policy not of this extreme or that extreme. I have always maintained on the floor of this House that the Congress organization has been wedded to a middle path. Now, what has been done in this little Bill? Suppose some small money is taken away by the tenant, what harm is there? Do we not give lakhs and lakhs of rupees by way of charity sometimes? What does it matter if some landlord is affected to the extent of Rs. 500 or Rs. 1,000. After all, the money goes to the tenant who is our own countryman. The earth or land is not the creation of the landlord. The things under the earth are not created by him. No one claims any share in the sea. Suppose a man goes and catches some fish, he becomes its owner. What do our Government say? They say 'We shall respect the rights of the landlords. At the same time we shall also recognize the rights of our tenants. We shall see that our poor people are not deprived of the good things in life. My friend Dr. John says that we are an uncivilized Government. If we are talking like that, how does it help matters?' (Interruption by Dr. V. K. John.) I beg to submit that we have to take a fair view of things. Let us not be moved by materialistic considerations. There is a provision for spending crores and crores of rupees on public health in our State. We are spending lakhs of rupees on medicine. Why should we help our poor people in the hospitals? Similarly, when a man is financially poor and when he deserves our sympathy, should we not help him? Instead of doing that, why should we say 'This is our right. We shall have our pound of flesh'. Let not anybody think that I am attacking anyone. We must realize all these things. Otherwise, we are in great danger. The Congress organization and the Congress Government are doing their best to avert a danger or a tragedy. If the Government were in the hands of persons like Dr. V. K. John, the next day there will be a revolution in this country. (Sri O. P. Ramaswami Reddiar : 'He may change his views!') (Laughter.) Our leader says that he may change his views. After all, the landlord may be affected to a little extent. The money is not being thrown into the Bay of Bengal or is taken away by the Britisher. Even if it is taken away by some human being, what harm is there? The tenants are our countrymen. Let us not think like the proverbial Shylock. We are a generous people. Our tradition has taught us how to be generous. We have given lakhs of rupees to temples, churches and so on. We give so much by way of charity. Such being the case, why should we be arguing in this fashion? If the hon. Member Dr. John goes on talking like that, everyone of his arguments will be used by the Communists against us and he will be

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the greatest friend of the Communists. We are their great enemies, because we do our best and see that the country is not drenched in blood. (Interruption by Dr. V. K. John.) What harm is there if we share things? Suppose the hon. Member has got plenty of money and I share the money with him. What harm is there?" (Laughter.)

* SRI G. KRISHNAMOORTHY :—" Mr. Chairman, Sir, I wish at the very outset to assure the Hon. the Deputy Chairman that hon. Members sitting on this side do not fall below the hon. Members on the other side in respect of philosophy or charitable mood. We want only that certain things should be done by the Government according to law and we are now concerned with the form of the Bill that has been laid before us for our approval. If the scope of this Bill is to give permanent security to the tenant in order to increase production and in order to make our country more prosperous, I would be the first man to approve of this measure; but this measure seems to go a little beyond that.

" Now, an intermediary, who is neither a cultivator nor a tenant, has been defined as a 'cultivating tenant' in this Bill. The cultivating tenant, as defined here, is none but a pure intermediary. He is expected to have this name and to claim benefits to be conferred on him by the Government under this piece of legislation if he conducts agricultural operations with hired labour under his supervision. A person who takes to agricultural operations with hired labour under his supervision is no better than an intermediary and somehow or other the Government have thought it fit that he should get more benefits than the owner of the land. Hon. Members may just infer from the example that I am going to give now, what will be the effect of this legislation on certain persons.

" Suppose some poor clerk, who gets some three or four thousand rupees by way of gratuity or provident fund on the eve of his retirement, invests the amount and purchases two or three acres of land. This is within the limit of 6-2/3 acres prescribed in this Bill. He might have leased out the land to some person, to be called the 'cultivating tenant' under this Bill. Suppose this cultivating tenant was in possession of the land on 1st December 1953. Now, if this poor clerk, a petty officer who drew only below Rs. 100 per month and was able to get a few thousands of rupees by way of gratuity or provident fund, wants to go back to his village and take up the cultivation of the land himself, this Bill does not allow him to do so, because it says that if the person is assessed to profession tax, he is not eligible to do that. I wonder how the Government thought it fit to place on a par these three categories of persons, namely, the person assessed to sales tax, profession tax and income-tax. Any person getting a salary of about Rs. 50 has to pay profession tax. A merchant whose turnover is above Rs. 10,000 has to pay sales tax and if a person gets an income of Rs. 350 or more, he has to pay income-tax. The petty clerk is

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being classified along with a big merchant who pays sales tax or a big zamindar or some other investor who pays income-tax. How is this proper? This Bill prevents him from taking back his own land and claiming to be the owner of the land in accordance with Article 19 of the Constitution, the fundamental right given to him. According to Article 19 (1) (f), he has got the right to acquire and dispose of property. According to Article 19 (1) (g), he has got the right of following any particular avocation or doing any business. Here this Bill aims at linking both and saying that if a man has a particular profession, he is not eligible to acquire and dispose of property as he pleases. This Bill is said to be the first instalment of the series of land reforms that the Government have under contemplation. The next Bill has been announced to be with regard to fixation of fair rent. This is the thin end of the wedge. Now we find that poor persons who have got an extent of land below 6-2/3 acres are not eligible to resume their land or to hold that land, simply because they pay some profession tax. If a petty clerk's profession makes him pay profession tax, and if he wants to leave his profession and resume his lands for cultivation, I do not see any provision in the Bill enabling him to resume his lands. If that petty clerk leaves his profession and wants to resume his three acres of land, will he be eligible to resume that land or will his tenant claim that land to be his because he was the tenant that cultivated the land on the 1st December 1953? My humble appeal to the Government is that the words 'profession tax' should be removed from the provisions of the Bill. If the Government really think, just as the Hon. Deputy Chairman who spoke before said, that rich men should part with their rights for the sake of helping the poor people, persons paying income-tax may not be allowed to resume lands. But if it is a question of people owning two or three acres of land being asked to part with their lands because they pay profession tax, I say it is not correct. Somehow or other the owner of the land has been given the big name of landlord. Any man is just apt to think that he is a big landlord. He is not a landlord at all. He is only a land-owner. And the person who neither cultivates nor is a tenant is given the name of cultivating tenant. He is really an intermediary. Now A leases his lands to B. A is the owner of the land. B is the lessee. But according to this legislation, he is the cultivating tenant. Really the cultivating people are persons from C to Z, namely 24 men. In every agricultural operation 24 people are required for each acre of land either for ploughing or for harvesting or for any other operation. These 24 people are the tillers of the soil. Are the Government benefiting these twenty-four men? They want to benefit only B, who is no more than a lessee. How is it that the sympathy of the Government has pounced upon the lessee to call him the cultivating tenant to confer on him not only this benefit but more benefits by way of fixation of rent, occupancy rights, etc., in the next few years? He is only an intermediary. The object of the Bill is not to benefit the intermediary. But the intermediaries are there. If the Government really want to help

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the people, as the Hon. Deputy Chairman says, they must see that people from C to Z engaged in cultivation are helped. Somehow it is the opinion of the Government that land is equal to air and water and that nobody can claim it exclusively. This is not so. If I dig a well in my house, I will not allow that well water to be contaminated by others. If the air in my house is to be polluted by some one, I will have to prevent it. The law allows this even in respect of air and water to every individual. It is not as if the Government have given away lands to people free. Perhaps this may have been done some thousands of years ago. But what about the poor persons who by the sweat of their brow saved a few thousands of rupees and invested that saving on lands? Are they not our own brethren? Should we deprive them? Should we not have more sympathy for these people than we show to the intermediary who is called the cultivating tenant? Should we deprive our own people—petty officers of Government and other clerks who by their hard-earned money and by provident fund accumulations have acquired some lands—of their lands by this piece of legislation? The provision that persons paying profession tax are not eligible to resume land for personal cultivation must be taken away.

“A person ‘A’ leases his land to ‘B’ on the 1st December 1953. Between the period 1953 and 1955 he has taken away the land and *bona fide* now leased it to one ‘C’. Now the lands are in possession of ‘C’. The person who was cultivating the land on 1st December 1953, is ‘B’. Sub-paragraph (iii) of sub-clause (2) of clause 4 says—

‘If subsequent to the 1st December 1953, the landlord has *bona fide* admitted some other cultivating tenant to the possession of land and such other tenant has cultivated the land before the commencement of this Act ;’

That is, C, the man who is cultivating the land now, and to whom, with *bona fide* intention, A, the owner, gave the lands after the 1st December 1953, need not give back the lands if he holds below 6-2/3 acres, or if he, as the owner and tenant combined, does not cultivate more than 6-2/3 acres. I say that A has leased his lands to C after the 1st December 1953. According to one provision of the Bill, B, who was cultivating the land on 1st December 1953, should get the lands. But according to another provision, C, who has been cultivating the land after the 1st December 1953 and who, in his capacity both as tenant and owner, does not cultivate more than 6-2/3 acres, need not give the lands back to B. B may be a man owning no acres at all. B may be having no holding either on tenancy basis or on ownership basis. He may be in need of lands. He may not be paying profession tax, sales tax, or income-tax. In spite of that B is denied the privilege of getting the land from C, because C does not cultivate more than 6-2/3 acres. Here I find a provision lacking. There may be cases like this. Even if C is a big merchant paying profession tax, sales tax, and income-tax, he cannot be evicted because he is holding only less than 6-2/3 acres. He is not bound to give back the lands to B who was originally cultivating those lands on the 1st December 1953. I should like

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the Hon. Minister to enlighten us on this point. I have my own doubts whether this Bill does not go against the fundamental rights mentioned in Article 19 (1) (f) and (g) of our Constitution. Our Constitution says that every citizen has got the right of pursuing his own avocation and has got the right of acquiring, holding, and disposing of property. Here we are bringing in a Bill whereby a person, if he is paying profession tax, should not resume his lands for his own cultivation from a person who has been cultivating his lands on 1st December 1953. I should like hon. Members of this House to consider whether this is not against the spirit of our Constitution.

“As regards security of tenure for every tenant, I am in full agreement with the Government. But the Bill is affecting the position of small landholders for whom the Government must have some sympathy. These small landholders must have the power to resume cultivation of their own lands even if they pay profession tax provided of course the extent of lands does not exceed 6-2/3 acres as specified in the Bill.”

* THE HON. SRI M. A. MANICKAVELU:—“Sir, very 4-50
interesting speeches were made. Philosophical speeches were also p.m.
made. But, now, we are not on philosophy. We have to deal with hard realities. The hon. Member Sri Balasubramanya Ayyar said that these agrarian disturbances were only in isolated places and that in the State as a whole there were not many disturbances. Therefore he asked why a Bill of this sort was necessary. Sir, I admit the disturbances were in a few places only. It may be in a particular district or in a particular firka and even in a particular firka in one or two villages. In most of the areas in this State there is no agrarian trouble. Take for instance the Coimbatore district, the Nilgiris district or the Salem district. There is no agrarian disturbance there. So, legitimately they ask why for a few cases this Bill has been brought forward. But, Sir, I must remind the hon. Member that everybody on this earth is not law abiding. There are trouble makers in the land. We have to take note of it. Simply because there is trouble in a few places, we cannot keep quiet without taking any action to prevent any fresh outbreak of such disturbances in other places. Well, I give an example. Do the Health department wait for cholera or some other epidemis to spread? They do not wait. The Health department do not wait for cholera or anything to break out in every place and then rush their team to deal with it. If there is an outbreak somewhere, they take the precaution of going all around and taking precautionary steps. The Government also, Sir, must treat it like some disease. We must take precaution. We cannot be waiting for the outbreak of agrarian trouble in each and every place and then go and deal with it. We must take a comprehensive view according to the word used by the hon. Member Dr. John in connection with the land reform. We must take a long range view and deal with it and that is why this Bill is brought in.

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"Sir, I must congratulate and also thank the learned Vice-Chancellor of the Annamalai University for explaining the scope of the Bill very clearly and succinctly. He very ably made it out that this Bill is intended to settle the agrarian disturbances so that the agricultural operations may go on and production may not suffer; and that is all the simple object of the Bill. It does not deal with other things though there is a certain provision in the nature of ceiling. The primary object is not to deal with any reformatory policies.

"Sir, as usual, the hon. the Deputy Leader of the Opposition gave his knowledge of Germany, France and other places as to how the land reform should be carried out and how it can be carried out easily by giving bonds, etc. I wish he had said all these things in connection with the other Bill. This poor Bill cannot bear the weight of all that knowledge. As for the other Bill, Sir, I may assure the hon. Member that the Government are very earnest in bringing forward a comprehensive Bill and they took every step to have this Bill introduced as early as possible. In fact, they had a frame-work of the scheme ready. Suddenly, as I said the other day, some constitutional and other legal difficulties came in. That is why we could not have it as a whole. We are now breaking it up. Soon difficulties will be cleared and the rest of the provisions can be had in the form of another Bill."

DR. V. K. JOHN :—"May I know whether this Bill will be for one year?"

* THE HON. SRI M. A. MANICKAVELU :—"It is hoped to be only for a year."

"Then, Sir, the hon. Member said 'Well, they did it in Bombay.' I submit that, as a lawyer, he should have understood the difference in tenure there and here. We examined it because we wanted to find out how Bombay was going ahead when we were not in a position to do so. The position is this. If the recent amendment that took place in Parliament was passed in the original form in which it was introduced, it would have suited our purpose. But, they made a change in the Select Committee and it gave us difficulty, but it did not give to Bombay. The meaning of the word 'estate' in Bombay and Hyderabad includes a ryotwari tenure also. But, in our State, 'estate' does not include ryotwari tenure. That is the difficulty in our State. So, Bombay Government was able to take advantage of the amendment. That is the difference between Bombay and Madras.

"In this connection, I may state that there are two extreme views about this land reform. One section wants us to go headlong. Another section wants us practically not to move. Now, the Government has to steer clear of these and do what is fair and reasonable. That is just what the Government is attempting to do now. One hon. Member wanted to put back the date to 1946. That we could understand because the Congress passed a resolution

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then. '1952' also we can very well understand because the Tanjore Tenants and Pannaiyal Protection Act was then passed. But, an hon. Member suggested to go back to 1922 when Mahatma Gandhi started his political campaign. He said that even then people thought they would get land, that the land would go to the tiller of the soil, and so he wanted us to put back the date so early as that. But, we will have to fix a date by which we can work this Act smoothly.

"So, the Select Committee fixed the date as 1954. Well, it might be said that the Government yielded to change the year from 1954 to 1953. Sir, if we go back too much, it will be very difficult to work it. That is why we fixed 1954. But still when there are certain people asking us to go back to 1922, we thought that it did not make much of a difficulty if we put it back by one year. I realized that there are difficulties. Now, I understand that some of the very people who wanted the date to be put back now want to shift it to 1954. They seem to have come to understand the difficulty. They thought they will get an advantage. But, they now think that they will not. So, we cannot be vacillating. Bad enough to have shifted the date, but now to shift again is not good."

SRI A. GAJAPATHY NAYAGAR:—"What about July 1954?"

* THE HON. SRI M. A. MANICKAVELU:—"The date was deliberately put as 'December' and not 'July'. It is for this purpose. Generally, the agricultural year is between April, May, June-July to next June-July. Leases are changed generally for the agricultural year, i.e., in the months of April, May and June. Government thought, that such leases were changed normally. There are tenants who have been on the land for 30 or 40 years but there are also tenants who are not kept for more than a year. If a man is changed at the end of the agricultural year, it may be for reasons other than this particular reason. What is that particular reason? The particular reason is to get back the land in order to avoid the 'ceiling' legislation. Our purpose is not to block that—the normal course of eviction. If the tenant is disturbed in the midst of agricultural operations, then there must be some ulterior motive. Perhaps the landlord might do so in order to take back the land himself, so that the tenant could not claim tenancy right. That is why we have said 1st December and not July.

"Regarding sales-tax, profession-tax and income-tax, there may be cases wherein the landlord may be owning lands less than 6-2/3 acres but at the same time he might be carrying on some business and earning profits. That is why we wanted it to be limited to men, who entirely depend upon agriculture and not upon other professions also for their source of income. Then it was said that when we put such a limitation on the landlord, such a

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limitation should be put on the tenant also, because there are some tenants who are richer than landlords. That is why by an amendment which was introduced, limitation was put in the case of tenants also. Some hon. Members have expressed doubt regarding the provision in respect of 'sales-tax'. There is no need for any doubt. If a man buys some article and pays sales-tax and at the same time he is a landlord, he would not be affected. Only if he is assessed to sales-tax or income-tax, he would be affected. That is the correct interpretation which has to be put."

SRI O. P. RAMASWAMI REDDIAR :—" In the rules that are to be framed under this Bill, make that position clear."

* THE HON. SRI M. A. MANICKAVELU :—" We will do so. A point has been made out that the tenant who was cultivating on 1st December 1954, and if he had been evicted, he would be restored by this Bill, but the previous tenant would not be put back. Our object is this. We do not want to make any distinction between tenant and tenant. If a landlord has taken a tenant *bona fide*, he should be protected. The idea is no *bona fide* tenant should be evicted so that cultivation may go on. That is why we have said that *bona fide* tenants should not be disturbed. As to the question of intermediary, let me make it clear that we do not want to give benefit to the intermediaries. The word 'hired labour' seems to have caused some doubt in the minds of some hon. Members. An intermediary is a person who takes the land on lease but does not himself cultivate. Such sort of intermediaries we do not want to help. But anyone who takes the land on lease, if he wants to cultivate, has got to do so with hired labour. Even if he has a number of servants, he cannot carry on cultivation without hired labour. I think many hon. Members who have spoken on this subject have no sufficient knowledge of agriculture. Even if a cultivating man and the members of his family work, they will have to have recourse to hired labour. That is the fact. Our idea is not to help the intermediary but to help one who depends solely on agriculture for his livelihood.

" As regards arrears of rent to be paid we have said that all arrears of rent accruing subsequent to 31st March 1954 should be paid. There are many landlords and there are widows who entirely live upon agricultural income. We have to protect such kind of people also. About old arrears, the landlord could collect them in the usual way. Even for the interest accrued subsequent to 31st March 1954, hon. Members in the Assembly pleaded that even that burden the tenants would not be able to bear and they pleaded that the tenant should be made to pay that in 4 or 5 instalments. It is provided that the tenant should pay arrears of rent from 31st March 1954 and that if he wants some more time than what is stipulated in the Bill, he should apply to the Revenue Divisional Officer. If the Revenue Divisional Officer thinks, on the merits of the case, that some more time should be allowed to the tenant he may do so. But within the time granted by the

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Revenue Divisional Officer, the tenant should pay the arrears. I think I have more or less covered all the points raised by hon. Members.

“ As I have previously said our intention is to help those who depend for their livelihood on agriculture and not those who are having lands and at the same time carry on other avocations by which they earn money. Only when a person is *assessed* to sales tax and if he possesses lands within $6\frac{2}{3}$ acres, we have said that that person would not be protected by this Bill. Any person owning $6\frac{2}{3}$ acres and less simply because he pays sales tax for the articles he buys for his consumption need not fear that he would not be protected under this Act. This Act will not apply to such a person. That is our idea. Only if a person is assessed to sales tax and owns $6\frac{2}{3}$ acres and less, he will not be protected. Other persons who are not assessed to sales tax and possessing less than $6\frac{2}{3}$ acres are protected. This is only a temporary measure for one year. All these provisions were not there in the original Bill. They came in during the Select Committee stage and when the Bill was again discussed in the Assembly. When a provision has been laid down for landlords owning less than $6\frac{2}{3}$ acres it was said that there should be such a provision for tenants also. That is why we have laid the proviso to sub-clause (2) of clause 4 in respect of tenants also.”

SRI G. KRISHNAMOORTHY :—“ Suppose one who is assessed to profession tax, if he were to lose his profession, can he resume the land for personal cultivation? ”

* THE HON. SRI M. A. MANICKAVELU :—“ Only if he has been assessed to any profession tax under the respective laws relating to the levy of such a tax during 1953-54 and 1954-55, he cannot have the right to restoration of possession. If he had been assessed to profession tax in respect of previous years only, viz., 1952-53, 1951-52, etc., he escapes Scot free. Mr. Krishnamoorthi can advise his friends, if there are any, who were assessed to profession tax only in 1952-53 and not afterwards, that they are protected under this Act and they could go on merrily. This Bill does not apply to them. (Laughter.)

“ With these words, Sir, I move that the Bill be taken into consideration.”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras Cultivating Tenants Protection Bill, 1955 (L.A. Bill No. 11 of 1955), as passed by the Assembly, be taken into consideration.’ ”

The motion was carried and the Bill was taken into consideration.

Clause 2 was put and carried.

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Clause 3.

MR. CHAIRMAN :—" Motion moved—

'That clause 3 do stand part of the Bill.' "

SRI K. BALASUBRAMANYA AYYAR :—" Sir, I move the amendments standing in my name, namely :—

1. *In sub-clause (2) (a), for the words and figures " 31st March 1954 " substitute the words and figures " 31st March 1953 ".*
2. *In sub-clause (2), add the following after sub-clause (d) :—
" or (e) who has in spite of eviction order by the court trespassed upon the land, raised crops and forcibly removed them."*
3. *In sub-clause 3 (a) (i), for the word and figures " 31st March 1954 " substitute the words and figures " 31st March 1953 ".*

" In view of the fact that the date 1st December 1954 has been changed to 1st December 1953, I thought that there should be a consequential amendment to clause 3 (2) (a) changing 31st March 1954 to 31st March 1953. It is but fair that we should have this consequential amendment. It is not a question of being generous. You cannot be generous unlawfully, even if it comes from the mouth of the Deputy Chairman. I cannot be generous to a murderer who commits an offence. Therefore there is no question of being generous at all here. I should not be expected to demand the pound of flesh here. I am only moving a consequential amendment which says that all arrears of rent up to 31st March 1953 should be paid to the landlord. I am not demanding anything extra but what it is legitimately due to the landlord.

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" Sir, the next thing I want to say is that there are instances where even when there is honourable court eviction, the tenants—certain tenants, not all of them—have trespassed on the land, raised crops and forcibly removed. There are cases like that. I am not saying that everybody does it. There are a large number of cases I know and in such cases of trespass, there should not be any restoration to the very same person who had taken the law into his own hands; he should not be protected.

" The third thing is the same as the first. I want instead of 31st March 1954, the date 31st March 1953 should be put. The principle of my first amendment and that of the third are similar.

" I have moved all the three amendments."

The amendments were duly seconded.

* THE HON. SRI M. A. MANICKAVELU :—" Sir, with regard to the first amendment, I concede the hon. Member is right, logically. But just as justice is tempered with mercy, logic should be

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tempered with something else. As regards this, anybody who had committed an act of 'waste', to put it legally, should not be put back on the land. I think it is covered by clauses (b) and (c). Not only that, we have added another clause that any one 'who has wilfully denied the title of the landlord to the land' shall not be put back. I think there is no necessity for these amendments."

SRI K. BALASUBRAMANYA AYYAR :—" I do not press the second amendment. But I am pressing the first and the third amendments."

Amendment No. 2 was withdrawn by leave of the House.

Amendment Nos. 1 and 3 were put and lost.

Clause 3 was put and carried.

MR. CHAIRMAN :—" Motion moved—

' That clause 4 do stand part of the Bill.' "

SRI K. BALASUBRAMANYA AYYAR :—" Sir, I move the amendments standing in my name, namely :—

' In sub-clause (1), for the words and figures " 1st December 1953 ", substitute the words and figures " 1st December 1954 ".

' In sub-clause 2 (i), omit the following words :—

" or if he has been assessed to any sales-tax, profession-tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55."

' Omit sub-clause (2) (ii) (b).' "

DR. V. K. JOHN :—" I second the amendments, Sir."

MR. CHAIRMAN :—" Amendments moved—

' In sub-clause (1), for the words and figures " 1st December 1953 ", substitute the words and figures " 1st December 1954 ".

' In sub-clause 2 (i), omit the following words :—

" or if he has been assessed to any sales-tax, profession-tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55."

' Omit sub-clause (2) (ii) (b).' "

SRI K. BALASUBRAMANYA AYYAR :—" Sir, this date 1st December 1953 has been accepted at the last moment in the Assembly and with that a caution has been given by the Leader of the Opposition there that 'attempts would be made in the Legislative Council to change; I hope and trust that the Government will not accept it'. Therefore this is practically, I think, acceptance of the Communist's position. Even though the Hon. Deputy

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Chairman affirmed that they were the best enemies of Communists, they have walked into their parlour. Because, in the Select Committee the whole question was considered."

SRI T. PURUSHOTHAM :—" Sir, I rise on a point of order. We are considering the Bill 'as' passed by the Legislative Assembly 'and is it in order for any hon. Member of this House to cast aspersions on the Government and on a Party that Government have yielded to any party in the Assembly or in the Council? "

MR. CHAIRMAN :—" There is nothing wrong."

SRI K. BALASUBRAMANYA AYYAR :—" Oh, yes. No aspersion is cast. Why, Government can yield always. But actually, I do not want them to yield. Therefore it is I say that the date 1st December 1954 was considered very carefully by the Government when they brought forward this Bill; they had every fact before them. Even in the Select Committee, they considered it and said 'No' when a change was proposed. What light was thrown since, I do not know. Let us think of the difficulties on account of the change from 1954 to 1953; other tenants would have been introduced and the old tenants would have gone to another land. When we restore the land to the old tenant, what becomes of his new land and what becomes of the landlord of the new land? It is not like Malabar where the tenancy continues for twelve years; here the lease is renewed from year to year. Well, supposing the landlord had in the meantime sold the land, what happens? Even now in Tiruchirappalli district lands are being sold. Recently 2 acres of land were sold; it was worth Rs. 7,500, but it was actually sold for Rs. 5,000 to a relation of the tenant, in the idea that he may have the benefit. Merely as a compromise to put back the date, it is convenient for the Government. But it is not convenient either for the landlord or for the tenant. (Sri O. P. Ramaswamy Reddiar : Paradise to the lawyer.) Yes, as the hon. Mr. Ramaswamy Reddiar says, it is only a paradise to the lawyers. Therefore, this compromise should not have taken place. I repeat it; though my hon. Friend raises a point of order I will repeat that this compromise ought not to have happened. Shall I suggest another compromise? Let us have the date as July 1954. At any rate, as the hon. Member Sri Gajapathy Nayagar said, July is the beginning of the season when the leases are renewed. But the Government have taken December when the tenants would be far away whereas in July they will be executing lease deeds and with the landlord and on the lands. And the Judge will be able to put his finger and say surely who was the tenant then. Sri Gajapathy Nayagar as a Judge from experience said that it was difficult to find the exact man if we adopted December. That is why I say if at all the Government go in for a compromise—I am prepared for a compromise—let them adopt July 1954; that will be perfectly all-right; it is just. And it will be convenient for the Revenue Divisional Officer to decide disputes. He can very well see on the

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spot who the man in possession of the land is. Therefore, it is easier for the Revenue Divisional Officer and it is easier for the Judge. Further, technically also when the date has been changed from 1953 to 1954, this should also be changed consequentially.

“ The other thing is about the sales-tax, profession-tax, etc. My hon. friend Sri Krishnamoorthi quoted very sensible instances. A retired man would have invested his money on land. He may want it for personal cultivation. He might have subsequently sold it out. In all these cases, it may be construed by those officers—with all respect to them, they have no judicial experience—as cases of eviction. I am against the whole provision. Why should we think that if a person pays sales-tax or profession-tax or income-tax, he is not a cultivating tenant. All his money has been put into the land. Don't we want the moneys of other people to go into the land for increasing and improving agricultural production? That is the most important thing in our country. Because other capital is flowing into the land, the ryotwari system is a much better system than any other system. What is the use of putting forward a general proposition that the tiller of the soil should be the owner? We should not forget that agriculture in our country especially cannot be successfully carried on without sufficient capital. We want capital for purchasing manure, we want capital for purchase of cattle and we want capital for so many other things connected with agriculture; there is the purchase of fertilizers like ammonium sulphate, super-phosphate and many other things. It is to buy all these things that we want capital. Suppose for example a man paying sales-tax has got money to invest on land, why should he not be a cultivating tenant. Suppose I want to be a cultivating tenant. I may be here in Madras but I may like to go to my village for some five or six months and take up cultivation. If money flows from other sectors to the agricultural sector, it is the most valuable thing that can happen in our State. You have followed some principles in the Tanjore Tenants and Pannaiyals Protection Act. Let us not have those propositions here. Here, a cultivating tenant may cultivate by his own labour or by hired labour. Why should people who pay sales-tax be prevented from becoming cultivating tenants? With the development of communications—we are told that our roads are going to be metalled and concreted—our country would become prosperous. We should allow money to flow from other sectors to the agricultural sector. It will be useful. That is why the ryotwari system has worked well all along. Some people, who have got money, have also bought lands. Some people, who were actually following other professions, went back to their lands for the purpose of cultivating them, leaving their professions. Therefore, it is a question of principle so far as the landlord and the tenant are concerned. Therefore I say that the concerned clause should be omitted. I am sure it will not be omitted because the majority will be against it. But still I want to say as a general principle that this is wrong. In the land reforms legislation, which the Government are going to bring in, they should

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not have the impression that money should not flow from other quarters. There may be our ryotwari proprietors, even though they may be paying sales-tax or profession-tax or income-tax. There is nothing wrong in that. It is the best way by which agriculture can improve in our country."

* THE HON. SRI M. A. MANICKAVELU :—" Sir, too much significance is attached to the change of date from 1954 to 1953. In spite of the date that is being mentioned in this legislation, the disputes between the landlords and the tenants are being amicably settled. Even in the controversial district of Tiruchirappalli, I have got information that they have settled their differences and that cultivation operations are going on. Now, this Act is intended only for the incorrigibles who are not able to settle their differences. It is only in such cases that the Act will have to be applied. The only difficulty is about the question of proving possession. To prove that a particular person was in possession of the land on a particular date is a little bit difficult. I can appreciate the difficulty. The section of the society that thinks that it will gain by shifting the date to one year back wants to have the change. The other section which thinks that it will lose by the change does not want the change. It is a dilemma. (Laughter.) I therefore think that it is better not to interfere and leave things as they are. (Interruption.)

" As regards the restriction in the case of persons paying sales-tax or profession-tax or income-tax, I can understand if any such restriction is put in the other pieces of legislation connected with land reforms. Here it is used for a limited purpose. It will apply both in the case of the landlord and the tenant who pay sales-tax or profession-tax, etc. That means that the landlord or tenant has got another avocation and he is able to eke out his livelihood and get on. The whole agrarian trouble has arisen because of the fact that there are people who are unemployed. They want that some land should be given to them so that they may cultivate. When food is denied to people, all sort of things will happen. (Laughter.) Riots and other disturbances take place. The Government are interested in seeing that there are no lazy and unemployed people in the State. So the first preference is given to those people who have no other means of earning a livelihood. If a man has got other ways of earning, for example like a profession, he will get on easily. He would not be very much affected as regards keeping his body and soul together. But the other man who cannot keep his body and soul together is very much affected. That is why the restriction is put. So hon. Members will easily understand the purpose with which we have introduced that clause."

MR. CHAIRMAN :—" The question is—

' In sub-clause (1), for the words and figures " 1st December 1953 ", substitute the words and figures " 1st December 1954 ". ' "

The amendment was lost.

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MR. CHAIRMAN :—“ The question is—

‘ In sub-clause 2 (i), *omit* the following words :—

“ or if he has been assessed to any sales-tax, profession-tax or income-tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55 ”. ’ ”

The amendment was lost.

MR. CHAIRMAN :—“ The question is—

‘ *Omit* sub-clause (2) (ii) (b). ’ ”

The amendment was lost.

Clause 4 was put and carried.

Clauses 5 to 7 were put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRI M. A. MANICKAVELU :—“ Sir, I move—

‘ *That the Madras Cultivating Tenants Protection Bill, 1955 (L.A. Bill No. 11 of 1955), as passed by the Assembly, be passed.* ’ ”

* SRI V. GURUNANDAN ROW :—“ Mr. Chairman, Sir, just as my hon. Friend Sri A. M. Allapichai said that it was the speech of Dr. V. K. John that made him rise to speak, so also it is Mr. Allapichai's speech as well as the remarks of the Hon. the Revenue Minister in reply to the motion for consideration of the Bill that prompts me to rise and speak a few words. I find I am in a very awkward position in this House. When I feel and say that the Government are moving at a snail's pace in the matter of land reforms, I find the other Members in the Opposition cautioning against haste and saying that they are moving fast. They say ‘ You are doing something wonderful. You should not go too fast. You are creating a revolution ’. That is why I say that I am in an awkward position here.

“ I feel that this matter of land reforms is a very important question. In this connection I would like to refer to the speeches of the Hon. the Revenue Minister and the hon. Member Sri A. M. Allapichai on the question as to why these land reforms are being brought about. The Hon. Minister said that it was a question where they should take a middle course as between what the landlord wants and what the tenant wants. I ask ‘ Has the Congress Party no conception of social justice in this matter? Is it merely because that the Government want to effect a compromise between the landlord and the tenant they are doing all this? ’ After all, the Congress is a political party just like any other Party. They cannot say that they are the best judges to see that justice is done between the landlord and the tenant. A political party represents certain sections of the people. The peasantry to-day

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forms the majority of the total population of the country. How then, can you say that you do not represent either the peasantry or the landlords but act as a sort of Judges? How can the Congress Party say that they are not going to be partial towards this person or that person and that they are going to make a compromise between one class of persons and another class of persons? It is unthinkable that a political party can take up this attitude. I challenge the Congress Party to go and say this in the next elections that when they come to power they would no longer be a political party and that they would not stand for a particular class whose interests clash with those of the ruling class, namely, the landlords. Sir, I want a categorical statement from the Government. Do they do this only for the purpose of steering a middle course? Or is it for the purpose of doing social justice? When the peasantry—the tillers of the soil—are by the sweat of their brow getting something and that is being taken away as rent, what is the meaning in bringing forward this halting legislation—an apology for land legislation? This is the point I want to make out. I say that this sort of halting legislation means that when we are taking a step forward the Government are taking two steps backward.”

* THE HON. SRI M. A. MANICKAVELU :—“ Sir, I do not really understand the outburst of the hon. Member at the far end of the sitting now. He said that I was steering a middle course, I had no definite views, and that I wanted to compromise this way and that way. He is probably thinking of the story of the monkey and the cats. There is no such thing here. He also used the term ‘social justice’. I stand by social justice—social justice as understood by an ordinary man of prudence and generally understood. It is not social justice as thought of by the hon. Member. I know his ideas of social justice. Here we in this land are not out for that social justice.”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras Cultivating Tenants Protection Bill, 1955 (L.A. Bill No. 11 of 1955), as passed by the Assembly, be passed.’ ”

The motion was carried and the Bill was passed.

MR. CHAIRMAN :—“ I now adjourn the House till 11 a.m. to-morrow.”

The House then adjourned.